

AMENDED IN SENATE APRIL 16, 2001

AMENDED IN SENATE MARCH 28, 2001

SENATE BILL

No. 562

Introduced by Senator Morrow

February 22, 2001

An act to amend Sections 86, 472b, 564, 638, 912, ~~1206, and 1281.5~~ *and 1206* of, and to add Section 89 to, the Code of Civil Procedure, to amend Section 11937 of the Food and Agricultural Code, to amend Section 946.6 of the Government Code, and to amend Sections 16370, 16373, and 16379 of the Vehicle Code, relating to civil procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 562, as amended, Morrow. Civil procedure: limited civil cases.

(1) Existing law establishes the parameters for limited civil cases. Existing law provides that actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and all other persons having mechanics' liens, where the total amount of the liens is \$25,000 or less, constitute limited civil cases.

This bill would include petitions to release mechanics' liens where the total amount of a lien is \$25,000 or less, to the list of proceedings that constitute limited civil cases.

(2) Existing law establishes the requisite conditions for an action or proceeding to be treated as a limited civil case.

This bill would specify that the existence of a statute relating to the authority of the court in a limited civil case does not imply that the same authority does or does not apply in an unlimited case. The bill would also provide that the existence of a statute relating to the authority of the

court in an unlimited case does not imply the existence of the same authority in a limited civil case.

(3) Existing law delineates various circumstances in which a superior court may appoint a receiver in a pending action, but limits that authority to cases other than limited civil cases.

This bill would delete the limitation of the provision to ~~superior courts and the limitation of the authority to~~ cases other than limited civil cases.

~~(4) Existing law establishes the requirements for the enforcement of arbitration agreements in the context of liens on works of improvement. Under existing law, a person who seeks to enforce a claim of lien on a work of improvement does not waive any arbitration rights pursuant to a written agreement if, in filing the complaint in the action, the claimant also provides the court with an application to stay the action pending arbitration.~~

~~This bill would provide that a person also does not waive any arbitration rights if the person includes an allegation in the complaint stating the intent not to waive arbitration rights and the intent to move the court for an order to stay proceedings within 30 days after service of the summons and complaint. The bill would additionally require a claimant seeking to preserve arbitration rights to file and serve a motion and notice of motion to stay the action pending arbitration within 30 days after service of the summons and complaint. This bill would also establish that pursuant to these provisions no party is entitled to discovery without leave of court unless the claimant expressly waives the right to arbitration, the court denies the motion for a stay, or the claimant fails to comply with certain requirements, as specified.~~

~~(5) Existing law provides that when an application to bring a claim against a public entity or public employee is denied by the governing body of that entity, a person may petition the court for an order relieving the petitioner from the prohibition against bringing a suit against the public entity.~~

This bill would specify that where an action to which the claim relates would be a limited civil case, the proceeding to petition a court pursuant to these provisions would also constitute a limited civil case.

~~(6)~~

(5) The bill would also make related changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.



The people of the State of California do enact as follows:

SECTION 1. Section 86 of the Code of Civil Procedure is amended to read:

86. (a) The following civil cases and proceedings are limited civil cases:

(1) Cases at law in which the demand, exclusive of interest, or the value of the property in controversy amounts to twenty-five thousand dollars (\$25,000) or less. This paragraph does not apply to cases that involve the legality of any tax, impost, assessment, toll, or municipal fine, except actions to enforce payment of delinquent unsecured personal property taxes if the legality of the tax is not contested by the defendant.

(2) Actions for dissolution of partnership where the total assets of the partnership do not exceed twenty-five thousand dollars (\$25,000); actions of interpleader where the amount of money or the value of the property involved does not exceed twenty-five thousand dollars (\$25,000).

(3) Actions to cancel or rescind a contract when the relief is sought in connection with an action to recover money not exceeding twenty-five thousand dollars (\$25,000) or property of a value not exceeding twenty-five thousand dollars (\$25,000), paid or delivered under, or in consideration of, the contract; actions to revise a contract where the relief is sought in an action upon the contract if the action otherwise is a limited civil case.

(4) Proceedings in forcible entry or forcible or unlawful detainer where the whole amount of damages claimed is twenty-five thousand dollars (\$25,000) or less.

(5) Actions to enforce and foreclose liens on personal property where the amount of the liens is twenty-five thousand dollars (\$25,000) or less.

(6) Actions to enforce and foreclose, or petitions to release, liens of mechanics, materialmen, artisans, laborers, and of all other persons to whom liens are given under the provisions of Chapter 2 (commencing with Section 3109) of Title 15 of Part 4 of Division 3 of the Civil Code, or to enforce and foreclose an assessment lien on a common interest development as defined in Section 1351 of the Civil Code, where the amount of the liens is twenty-five thousand dollars (\$25,000) or less. However, where an action to enforce the lien affects property that is also affected by a similar

1 pending action that is not a limited civil case, or where the total
2 amount of the liens sought to be foreclosed against the same
3 property aggregates an amount in excess of twenty-five thousand
4 dollars (\$25,000), the action is not a limited civil case.

5 (7) Actions for declaratory relief when brought pursuant to
6 either of the following:

7 (A) By way of cross-complaint as to a right of indemnity with
8 respect to the relief demanded in the complaint or a
9 cross-complaint in an action or proceeding that is otherwise a
10 limited civil case.

11 (B) To conduct a trial after a nonbinding fee arbitration
12 between an attorney and client, pursuant to Article 13
13 (commencing with Section 6200) of Chapter 4 of Division 3 of the
14 Business and Professions Code, where the amount in controversy
15 is twenty-five thousand dollars (\$25,000) or less.

16 (8) Actions to issue temporary restraining orders and
17 preliminary injunctions, and to take accounts, where necessary to
18 preserve the property or rights of any party to a limited civil case;
19 to make any order or perform any act, pursuant to Title 9
20 (commencing with Section 680.010) of Part 2 (enforcement of
21 judgments) in a limited civil case; to appoint a receiver pursuant
22 to Section 564 in a limited civil case; to determine title to personal
23 property seized in a limited civil case.

24 (9) Actions under Article 3 (commencing with Section
25 708.210) of Chapter 6 of Division 2 of Title 9 of Part 2 for the
26 recovery of an interest in personal property or to enforce the
27 liability of the debtor of a judgment debtor where the interest
28 claimed adversely is of a value not exceeding twenty-five
29 thousand dollars (\$25,000) or the debt denied does not exceed
30 twenty-five thousand dollars (\$25,000).

31 (10) Arbitration-related petitions filed pursuant to either of the
32 following:

33 (A) Article 2 (commencing with Section 1292) of Chapter 5 of
34 Title 9 of Part 3, except for uninsured motorist arbitration
35 proceedings in accordance with Section 11580.2 of the Insurance
36 Code, if the petition is filed before the arbitration award becomes
37 final and the matter to be resolved by arbitration is a limited civil
38 case under paragraphs (1) to (9), inclusive, of subdivision (a) or if
39 the petition is filed after the arbitration award becomes final and
40 the amount of the award and all other rulings, pronouncements,

1 and decisions made in the award are within paragraphs (1) to (9),
2 inclusive, of subdivision (a).

3 (B) To confirm, correct, or vacate a fee arbitration award
4 between an attorney and client that is binding or has become
5 binding, pursuant to Article 13 (commencing with Section 6200)
6 of Chapter 4 of Division 3 of the Business and Professions Code,
7 where the arbitration award is twenty-five thousand dollars
8 (\$25,000) or less.

9 (b) The following cases in equity are limited civil cases:

10 (1) Cases to try title to personal property when the amount
11 involved is not more than twenty-five thousand dollars (\$25,000).

12 (2) Cases when equity is pleaded as a defensive matter in any
13 case that is otherwise a limited civil case.

14 (3) Cases to vacate a judgment or order of the court obtained in
15 a limited civil case through extrinsic fraud, mistake, inadvertence,
16 or excusable neglect.

17 SEC. 2. Section 89 is added to the Code of Civil Procedure,
18 to read:

19 89. (a) The existence of a statute relating to the authority of
20 the court in a limited civil case does not, by itself, imply that the
21 same authority does or does not exist in an unlimited civil case.

22 (b) The existence of a statute relating to the authority of the
23 court in an unlimited civil case does not, by itself, imply that the
24 same authority does or does not exist in a limited civil case.

25 SEC. 3. Section 472b of the Code of Civil Procedure is
26 amended to read:

27 472b. When a demurrer to any pleading is sustained or
28 overruled, and time to amend or answer is given, the time so given
29 runs from the service of notice of the decision or order, unless the
30 notice is waived in open court, and the waiver entered in the
31 minutes. When an order sustaining a demurrer without leave to
32 amend is reversed or otherwise remanded by any order issued by
33 a reviewing court, any amended complaint shall be filed within 30
34 days after the clerk of the reviewing court mails notice of the
35 issuance of the remittitur.

36 SEC. 4. Section 564 of the Code of Civil Procedure is
37 amended to read:

38 564. (a) A receiver may be appointed, in the manner
39 provided in this chapter, by the court in which an action or

1 proceeding is pending in any case in which the court is empowered
2 by law to appoint a receiver.

3 (b) A receiver may be appointed by the court in which an action
4 or proceeding is pending, or by a judge thereof, in the following
5 cases:

6 (1) In an action by a vendor to vacate a fraudulent purchase of
7 property, or by a creditor to subject any property or fund to the
8 creditor's claim, or between partners or others jointly owning or
9 interested in any property or fund, on the application of the
10 plaintiff, or of any party whose right to or interest in the property
11 or fund, or the proceeds thereof, is probable, and where it is shown
12 that the property or fund is in danger of being lost, removed, or
13 materially injured.

14 (2) In an action by a secured lender for the foreclosure of a deed
15 of trust or mortgage and sale of property upon which there is a lien
16 under a deed of trust or mortgage, where it appears that the
17 property is in danger of being lost, removed, or materially injured,
18 or that the condition of the deed of trust or mortgage has not been
19 performed, and that the property is probably insufficient to
20 discharge the deed of trust or mortgage debt.

21 (3) After judgment, to carry the judgment into effect.

22 (4) After judgment, to dispose of the property according to the
23 judgment, or to preserve it during the pendency of an appeal, or
24 pursuant to Title 9 (commencing with Section 680.010)
25 (enforcement of judgments), or after sale of real property pursuant
26 to a decree of foreclosure, during the redemption period, to collect,
27 expend, and disburse rents as directed by the court or otherwise
28 provided by law.

29 (5) Where a corporation has been dissolved, as provided in
30 Section 565.

31 (6) Where a corporation is insolvent, or in imminent danger of
32 insolvency, or has forfeited its corporate rights.

33 (7) In an action of unlawful detainer.

34 (8) At the request of the Public Utilities Commission pursuant
35 to Sections 855 and 5259.5 of the Public Utilities Code.

36 (9) In all other cases where necessary to preserve the property
37 or rights of any party.

38 (10) At the request of the Office of Statewide Health Planning
39 and Development, or the Attorney General, pursuant to Section
40 129173 of the Health and Safety Code.



(11) In an action by a secured lender for specific performance of an assignment of rents provision in a deed of trust, mortgage, or separate assignment document. The appointment may be continued after entry of a judgment for specific performance if appropriate to protect, operate, or maintain real property encumbered by a deed of trust or mortgage or to collect rents therefrom while a pending nonjudicial foreclosure under power of sale in a deed of trust or mortgage is being completed.

(12) In a case brought by an assignee under an assignment of leases, rents, issues, or profits pursuant to subdivision (g) of Section 2938 of the Civil Code.

(c) A receiver may be appointed, in the manner provided in this chapter, including, but not limited to, Section 566, by the superior court in an action brought by a secured lender to enforce the rights provided in Section 2929.5 of the Civil Code, to enable the secured lender to enter and inspect the real property security for the purpose of determining the existence, location, nature, and magnitude of any past or present release or threatened release of any hazardous substance into, onto, beneath, or from the real property security. The secured lender shall not abuse the right of entry and inspection or use it to harass the borrower or tenant of the property. Except in case of an emergency, when the borrower or tenant of the property has abandoned the premises, or if it is impracticable to do so, the secured lender shall give the borrower or tenant of the property reasonable notice of the secured lender's intent to enter and shall enter only during the borrower's or tenant's normal business hours. Twenty-four hours' notice shall be presumed to be reasonable notice in the absence of evidence to the contrary.

(d) Any action by a secured lender to appoint a receiver pursuant to this section shall not constitute an action within the meaning of subdivision (a) of Section 726.

(e) For purposes of this section:

(1) "Borrower" means the trustor under a deed of trust, or a mortgagor under a mortgage, where the deed of trust or mortgage encumbers real property security and secures the performance of the trustor or mortgagor under a loan, extension of credit, guaranty, or other obligation. The term includes any successor in interest of the trustor or mortgagor to the real property security

1 before the deed of trust or mortgage has been discharged,
2 reconveyed, or foreclosed upon.

3 (2) “Hazardous substance” means (A) any “hazardous
4 substance” as defined in subdivision (f) of Section 25281 of the
5 Health and Safety Code as effective on January 1, 1991, or as
6 subsequently amended, (B) any “waste” as defined in subdivision
7 (d) of Section 13050 of the Water Code as effective on January 1,
8 1991, or as subsequently amended, or (C) petroleum, including
9 crude oil or any fraction thereof, natural gas, natural gas liquids,
10 liquefied natural gas, or synthetic gas usable for fuel, or any
11 mixture thereof.

12 (3) “Real property security” means any real property and
13 improvements, other than a separate interest and any related
14 interest in the common area of a residential common interest
15 development, as the terms “separate interest,” “common area,”
16 and “common interest development” are defined in Section 1351
17 of the Civil Code, or real property consisting of one acre or less that
18 contains 1 to 15 dwelling units.

19 (4) “Release” means any spilling, leaking, pumping, pouring,
20 emitting, emptying, discharging, injecting, escaping, leaching,
21 dumping, or disposing into the environment, including continuing
22 migration, of hazardous substances into, onto, or through soil,
23 surface water, or groundwater.

24 (5) “Secured lender” means the beneficiary under a deed of
25 trust against the real property security, or the mortgagee under a
26 mortgage against the real property security, and any successor in
27 interest of the beneficiary or mortgagee to the deed of trust or
28 mortgage.

29 SEC. 5. Section 638 of the Code of Civil Procedure is
30 amended to read:

31 638. A referee may be appointed upon the agreement of the
32 parties filed with the clerk, or judge, or entered in the minutes, or
33 upon the motion of a party to a written contract or lease that
34 provides that any controversy arising therefrom shall be heard by
35 a referee if the court finds a reference agreement exists between the
36 parties:

37 (a) To hear and determine any or all of the issues in an action
38 or proceeding, whether of fact or of law, and to report a statement
39 of decision.

1 (b) To ascertain a fact necessary to enable the court to
2 determine an action or proceeding.

3 (c) In any matter in which a referee is appointed pursuant to this
4 section, a copy of the order shall be forwarded to the office of the
5 presiding judge. The Judicial Council shall, by rule, collect
6 information on the use of these referees. The Judicial Council shall
7 also collect information on fees paid by the parties for the use of
8 referees to the extent that information regarding those fees is
9 reported to the court. The Judicial Council shall report thereon to
10 the Legislature by January 1, 2003. This subdivision shall become
11 inoperative on January 1, 2004.

12 SEC. 6. Section 912 of the Code of Civil Procedure is
13 amended to read:

14 912. Upon final determination of an appeal by the reviewing
15 court, the clerk of the court shall remit to the trial court a certified
16 copy of the judgment or order of the reviewing court and of its
17 opinion, if any. The clerk of the trial court shall file the certified
18 copy of the judgment and opinion of the reviewing court, shall
19 attach the same to the judgment roll if the appeal was from a
20 judgment, and shall enter a note of the judgment of the reviewing
21 court stating whether the judgment or order appealed from has
22 been affirmed, reversed or modified, in the margin of the original
23 entry of the judgment or order, and also in the register of actions.

24 SEC. 7. Section 1206 of the Code of Civil Procedure is
25 amended to read:

26 1206. (a) Upon the levy under a writ of attachment or
27 execution not founded upon a claim for labor, any miner,
28 mechanic, salesman, servant, clerk, laborer or other person who
29 has performed work or rendered personal services for the
30 defendant within 90 days prior to the levy may file a verified
31 statement of the claim therefor with the officer executing the writ,
32 file a copy thereof with the court that issued the writ, and give
33 copies thereof, containing his or her address, to the plaintiff and the
34 defendant, or any attorney, clerk or agent representing them, or
35 mail copies to them by registered mail at their last known address,
36 return of which by the post office undelivered shall be deemed a
37 sufficient service if no better address is available, and that claim,
38 not exceeding nine hundred dollars (\$900), unless disputed, must
39 be paid by the officer, immediately upon the expiration of the time
40 for dispute of the claim as prescribed in Section 1207, from the

1 proceeds of the levy remaining in the officer's hands at the time of
2 the filing of the statement or collectible by the officer on the basis
3 of the writ.

4 (b) The court issuing the writ must make a notation in the
5 register of actions of every preferred labor claim of which it
6 receives a copy and must endorse on any writ of execution or
7 abstract of judgment issued subsequently in the case that it is
8 issued subject to the rights of a preferred labor claimant or
9 claimants and giving the names and amounts of all preferred labor
10 claims of which it has notice. In levying under any writ of
11 execution the officer making the levy shall include in the amount
12 due under the execution any and all preferred labor claims that
13 have been filed in the action and of which the officer has notice,
14 except any claims that may have been finally disallowed by the
15 court under the procedure provided for herein and of which
16 disallowance the officer has actual notice. The amount due on
17 preferred labor claims that have not been finally disallowed by the
18 court shall be considered a part of the sum due under any writ of
19 attachment or execution in augmentation of the amount thereof
20 and it shall be the duty of any person, firm, association or
21 corporation on whom a writ of attachment or execution is levied
22 to immediately pay to the levying officer the amount of the
23 preferred labor claims, out of any money belonging to the
24 defendant in the action, before paying the principal sum called for
25 in the writ.

26 (c) If any claim is disputed within the time, and in the manner
27 prescribed in Section 1207, and a copy of the dispute is mailed by
28 registered mail to the claimant or the claimant's attorney at the
29 address given in the statement of claim and the registry receipt is
30 attached to the original of the dispute when it is filed with the
31 levying officer, or is handed to the claimant or the claimant's
32 attorney, the claimant, or the claimant's assignee, must within 10
33 days after the copy is deposited in the mail or is handed to the
34 claimant or the claimant's attorney petition the court having
35 jurisdiction of the action on which the writ is based, for a hearing
36 before it to determine the claim for priority, or the claim to priority
37 is barred. If more than one attachment or execution is involved, the
38 petition shall be filed in the court having jurisdiction over the
39 senior attachment or execution. The hearing shall be held within
40 20 days from the filing of the petition unless the court continues

1 it for good cause. Ten days' notice of the hearing shall be given by
2 the petitioner to the plaintiff and the defendant, and to all parties
3 claiming an interest in the property, or their attorneys. The notice
4 may be informal and need specify merely the name of the court,
5 names of the principal parties to the senior attachment or execution
6 and name of the wage claimant or claimants on whose behalf it is
7 filed but shall specify that the hearing is for the purpose of
8 determining the claim for priority. The plaintiff or the defendant,
9 or any other party claiming an interest may contest the amount or
10 validity of the claim in spite of any confession of judgment or
11 failure to appear or to contest the claim on the part of any other
12 person.

13 (d) There shall be no cost for filing or hearing the petition and
14 the hearing on the petition shall be informal but all parties
15 testifying must be sworn. Any claimant may appear on the
16 claimant's own behalf at the hearing and may call and examine
17 witnesses to substantiate his or her claim. An appeal may be taken
18 from a judgment in a proceeding under this section in the manner
19 provided for appeals from judgments of the court where the
20 proceeding is had, in an action of the same jurisdictional
21 classification.

22 (e) The officer shall retain in possession until the determination
23 of the claim for priority so much of the proceeds of the writ as may
24 be necessary to satisfy the claim, and if the claim for priority is
25 allowed, the officer shall pay the amount due, including the
26 claimant's cost of suit, from such proceeds, immediately after the
27 order allowing the claim becomes final.

28 ~~SEC. 8. Section 1281.5 of the Code of Civil Procedure is~~
29 ~~amended to read:~~

30 ~~1281.5. (a) Any person who proceeds to record and enforce~~
31 ~~a claim of lien by commencement of an action pursuant to Title 15~~
32 ~~(commencing with Section 3082) of Part 4 of Division 3 of the~~
33 ~~Civil Code, does not thereby waive any right of arbitration that the~~
34 ~~person may have pursuant to a written agreement to arbitrate, if,~~
35 ~~in filing an action to enforce the claim of lien, the claimant does~~
36 ~~either of the following:~~

37 ~~(1) Includes an allegation in the complaint that the claimant~~
38 ~~does not intend thereby to waive any right of arbitration, and~~
39 ~~intends to move the court, within 30 days after service of the~~

~~summons and complaint, for an order to stay further proceedings in the action.~~

~~(2) At the same time that the complaint is filed, the claimant files an application that the action be stayed pending the arbitration of any issue, question, or dispute that is claimed to be arbitrable under the agreement and that is relevant to the action to enforce the claim of lien.~~

~~(b) Within 30 days after service of the summons and complaint, the claimant shall file and serve a motion and notice of motion pursuant to Section 1281.4 to stay the action pending arbitration of any issue, question, or dispute that is claimed to be arbitrable under the agreement and that is relevant to the action to enforce the claim of lien.~~

~~(c) Notwithstanding Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4, if the claimant complies with subdivision (a), no party to the action is entitled to discovery without leave of court, until one of the following occurs:~~

~~(1) The claimant expressly waives the right to arbitration.~~

~~(2) The court denies the motion for a stay.~~

~~(3) The claimant fails to comply with subdivision (b).~~

~~(d) The failure of a defendant to file a petition pursuant to Section 1281.2 at or before the time the defendant answers the complaint filed pursuant to subdivision (a) is a waiver of the defendant's right to compel arbitration.~~

~~SEC. 9.~~

SEC. 8. Section 11937 of the Food and Agricultural Code is amended to read:

11937. Upon the expiration of 30 days after any judgment becomes final, which is not stayed or satisfied in any action which results in a judgment for damages, the clerk of a court shall forward to the director a certified copy of the judgment or a certified copy of the register of actions, and a certificate of facts relative to the judgment, on a form which is provided by the director.

~~SEC. 10.~~

SEC. 9. Section 946.6 of the Government Code is amended to read:

946.6. (a) Where an application for leave to present a claim is denied or deemed to be denied pursuant to Section 911.6, a petition may be made to the court for an order relieving the petitioner from Section 945.4. The proper court for filing the

petition is a superior court that would be a proper court for the trial of an action on the cause of action to which the claim relates. If the petition is filed in a court which is not a proper court for the determination of the matter, the court, on motion of any party, shall transfer the proceeding to a proper court. Where an action on the cause of action to which the claim relates would be a limited civil case, a proceeding pursuant to this section is a limited civil case.

(b) The petition shall show each of the following:

(1) That application was made to the board under Section 911.4 and was denied or deemed denied.

(2) The reason for failure to present the claim within the time limit specified in Section 911.2.

(3) The information required by Section 910.

The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to Section 911.6.

(c) The court shall relieve the petitioner from Section 945.4 if the court finds that the application to the board under Section 911.4 was made within a reasonable time not to exceed that specified in subdivision (b) of Section 911.4 and was denied or deemed denied pursuant to Section 911.6 and that one or more of the following is applicable:

(1) The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect unless the public entity establishes that it would be prejudiced in the defense of the claim if the court relieves the petitioner from Section 945.4.

(2) The person who sustained the alleged injury, damage or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim.

(3) The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of that disability failed to present a claim during that time.

(4) The person who sustained the alleged injury, damage or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim.

(d) A copy of the petition and a written notice of the time and place of hearing shall be served before the hearing as prescribed by subdivision (b) of Section 1005 of the Code of Civil Procedure on (1) the clerk or secretary or board of the local public entity, if

1 the respondent is a local public entity, or (2) the Attorney General,
2 if the respondent is the state. However, if the petition involves a
3 claim arising out of alleged actions or inactions of the Department
4 of Transportation, service of the petition and notice of the hearing
5 shall be made on the Attorney General or the Director of
6 Transportation. Service on the Attorney General may be
7 accomplished at any of the Attorney General's offices in Los
8 Angeles, Sacramento, San Diego, or San Francisco. Service on the
9 Director of Transportation may be accomplished only at the
10 Department of Transportation's headquarters office in
11 Sacramento.

12 (e) The court shall make an independent determination upon
13 the petition. The determination shall be made upon the basis of the
14 petition, any affidavits in support of or in opposition to the
15 petition, and any additional evidence received at the hearing on the
16 petition.

17 (f) If the court makes an order relieving the petitioner from
18 Section 945.4, suit on the cause of action to which the claim relates
19 shall be filed with the court within 30 days thereafter.

20 ~~SEC. 11.~~

21 *SEC. 10.* Section 16370 of the Vehicle Code is amended to
22 read:

23 16370. The department shall suspend the privilege of any
24 person to operate a motor vehicle upon receiving a certified copy
25 of a judgment, or a certified copy of the register of actions (or a
26 comparable court record of another jurisdiction) in an action
27 resulting in a judgment for damages, and a certificate of facts
28 relative to the judgment, on a form provided by the department,
29 indicating that the person has failed for a period of 30 days to
30 satisfy a judgment rendered against him or her.

31 ~~SEC. 12.~~

32 *SEC. 11.* Section 16373 of the Vehicle Code is amended to
33 read:

34 16373. (a) The clerk of a court shall, subject to subdivision
35 (b), issue upon the request of a judgment creditor a certified copy
36 of any judgment or a certified copy of the register of actions (or a
37 comparable court record of another jurisdiction) in an action
38 resulting in a judgment for damages, and a certificate of facts
39 relative to the judgment on a form provided by the department.



(b) The judgment creditor may pay the required fees and request the documents specified in subdivision (a) upon the expiration of 30 days after the judgment has become final, if the judgment has not been stayed or satisfied within the amounts specified in this chapter as shown by the records of the court. The court shall determine the required fees, which shall be commensurate with the cost incurred by the court in carrying out this section.

~~SEC. 13.~~

SEC. 12. Section 16379 of the Vehicle Code is amended to read:

16379. (a) The department shall not suspend a license and shall restore any suspended license following nonpayment of a final judgment when the judgment debtor gives proof of financial responsibility for future damages and when the trial court in which the judgment was rendered orders the payment of the judgment in installments and while the payment of any installment payment is not in default.

(b) Whenever the trial court orders the payment of a judgment in installments as provided in this section, upon payment of the required fees by the judgment creditor, it shall forward a certified copy of the order to the department, together with a certified copy of the judgment or a certified copy of the register of actions (or a comparable court record of another jurisdiction) in an action resulting in a judgment for damages and a certificate of facts relative to the judgment on a form provided by the department.

(c) The court shall determine the required fees, which shall be commensurate with the cost incurred by the court in carrying out the provisions of this section.